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REVIEW

OF

WEBSTER'S SPEECH

ON

SLAVERY.

BY WENDELL PHILLIPS.

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CHINESE
EVERY
LIFE
OF THE
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THE HISTORY OF THE CHINESE

BY

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REVIEW.

WE propose to look at some points of Mr. Webster's late speech.

'The best bid that has been made yet for the Presidency'—
'The shrewdest thing Daniel ever did.' Such are the comments of the street. For the present, let us not *analyze motives, or go deeper than the print*; but try the great Northern statesman by the record.¹ If any one should aver that this Union can never be hurt by its enemies, who could safely gainsay him? since its friends seem resolved never to allow the chance, but to cut its throat themselves. We are Disunionists, not from any love for separate Confederacies, or as ignorant of the thousand evils that spring from neighboring and quarrelsome States; but we would get rid of this Union, because experience has shown it to be, in its character and construction, an insurmountable obstacle to the HARMONY of the nation; and could we once

'Cancel, and tear to pieces, this great bond
Which keeps us pale'

with continual apprehensions, we should get space for such a structure as would insure the HARMONY of all the races which

dwell on this continent, and all the States that control it — an empire ocean-bound on every side. With these views, Mr. Webster has no sympathy. Yet, in our opinion, of all DISUNIONISTS, Mr. Webster is the most efficient. His eulogy of the Union is not more eloquent than his policy is fatal to it. According to his own oft-repeated confession, there exists an evil in our midst so serious that it clouds the whole future of our destiny. He has admitted that the to-come is so dark, he cares not to attempt to penetrate the clouds that overshadow it. Yet for twenty years the great statesman has been oftener 'checked for *silence*, than rated for speech.' Now, however, in the very crisis of our fate, he opens his mouth — 'I have wished only to speak my sentiments, fully and at large, being desirous, once for all, to let the Senate know, and to let the country know, the opinions and sentiments which I entertain on all these subjects; to disburden my conscience from the bottom of my heart, and to make known every political sentiment that therein exists.' Having got to the 'bottom of his heart,' what do we find there? He 'expresses no opinion as to the mode of the extinguishment or amelioration of slavery,' 'has nothing to propose on that subject!' And this is statesmanship! Yes, of the kind Coleridge describes: — 'There are men who never exert themselves to cure an evil, but seek merely to hold it at arm's length, careful only that things may last out their day.'

The body politic is affected with a sore disease; if allowed to have its way, no one can prophesy the result. But there is hope that, if taken in time, before it has tainted the whole system, and while the nation lies with submissive confidence in the hands of its statesmen-doctors, the strength of a good *Constitution* will carry the patient through. The great Doctor has spoken; and what does he say? O! nothing about the patient. He has discovered that the disease is not contagious! — there is no danger of its spreading! But as for the sufferer, he 'has nothing to propose'! And then, laying his hand where his heart ought to be, he assures us that he has 'disburdened it from the very bottom,'

and told 'every sentiment that exists there'! Excellent physician! 'O! how much blacker art thou than thy looks!'

Yes, take slavery as it is, staggered by the sentiment of the civilized world arrayed against it, confined within uneasy limits, uncertain of the future, and with the great chiefs, Calhoun, Benton, Clay, Webster, whom the land still trusts, on the stage, and possibly the difficult question of its abolition could be solved without danger to the Union. But Mr. Webster knows that out of all such crises as this, slavery has always, *by the sagacity of her leaders, the supineness of the North*, and the chances of the times, come forth strengthened and triumphant. Seemingly cornered, she has leaped over our heads, only to get a freer field and give more fatal blows. From the seeming death of 1787, which deluded our fathers, she was resuscitated by Cotton and the Compromises. Afterwards, smothered by the too close embrace of the Mississippi, the Louisiana Territory came to her relief, with new lands for her to wear out, and a market for the slave-breeders of Virginia and the Carolinas; and when even all this would not do, and Dr. John Randolph thought her end to be near, came Texas, with the elixir of perpetual youth. Yes, through the 'infernal doors' of Compromise, which the Constitution

'Opened, but to shut
Exceeded her power,'

'Under spread ensigns marching,' has the South found always 'a broad and beaten way' to her wishes, and ample means to '*tempt or punish*' refractory statesmen.

The true friend of the Union would seize this moment, when the slave-host sways to and fro with anxiety; when, thanks to the slandered abolitionists only, all of virtue the North has is aroused to the importance of the issue, and needs but a MAN as leader to dare and do all for Liberty—the true friend of the Union would seize such a moment, by some grand and compre-

hensive plan of abolition, to insure the future, instead of shutting his eyes like the ostrich, and imagining that to be hoodwinked is to be safe. If, in some future struggle, Slavery, gathering its hosts from the Atlantic to the Pacific, 'fleshed with conquests,' shall do equal battle with this Union, and destroy it, its epitaph will be — 'Died, because its friends dared not, or were too selfish, to look danger in the face, and "scotched the snake, not killed it."'

'Let them care that come behind,' is the motto of the Great Defender of the Constitution. 'Instant in season and out of season' — '*Delenda est Carthago*' — are ours. It is idle to imagine that any ingenuity can compromise this question. It is no quarrel of lovers, but a thorough contrariety of interests; no mere friction of the political machine, but an entire misfit of its parts. The South, the *present* South, is fixed that the experiment shall be tried of extending slavery. The North cannot be said to be fully resolved, but it is *deeply interested* that slavery shall cease; and this *deep interest* will soon issue in a most sturdy *resolution*. The battle must be fought. If joined now, it may be fought within the lists of the Constitution. But if the combatants grow heated and angered, and the hosts increase for another fifty years, who shall say that their first onset will not rend the bond asunder, never to be again united?

One thing more. This speech contains, Mr. Webster tells us, all he has to say 'on these subjects.' His whole 'conscience is disburdened.' If so, then throughout a long and labored argument, embracing a sketch of slavery from the beginning of the world, and a statement of the views taken of it by many other nations as well as by our own, not only has the great Northern statesman found no place for a plan to abolish it, but he has not been betrayed into the hint even of a wish that it may ever cease. Not one expression of pity for an enslaved race, not one indignant denunciation of the system, has a decent respect even for the opinions of mankind won from this political prater! He *de-*

scribes, with as many moral bows as Sir Pertinax McSycophant himself could have made, the 'conscientious opinions of the South' on the question of selling one's neighbors, and then *describes* the religious scruples of the North, but all with such judicial coldness, such wary and decorous impartiality between Liberty and Despotism, between Right and Wrong, that it would puzzle a jury of Philadelphia lawyers to tell, had Nature given him a heart, to which side it would have leaned. So obedient are the pulses of this great man to his — duty or — his interest, that over the eggs of such a controversy as this, happier than Erasmus, he has walked without breaking them; and may safely boast that Daniel Webster has spoken three hours on slavery, and no mortal man can tell whether he loves or hates it. In the Roman procession, the most marked matter was that Cato's statue was wanting. Of this speech, what it fails to express is more remarkable than what it has expressed — and that is saying a great deal.

Certainly, if this cold, tame, passionless, politic commodity be all our great man's 'conscience' has to say on American slavery — 'the vilest the sun ever saw,' according to the great Methodist, whose sect the republican statesman found time to praise, when too much pressed *for space*, probably, to speak of such a trifle as 'stealing a man and selling him!' — if this be all his conscience, why, then, as Launcelot says, 'tis but a kind of hard conscience,' after all; though had it cried to him as Launcelot's did, '*Budge not*' from the Proviso,' '*Scorn running with thy heels*' from all thy recorded principles, it would have served a good purpose, notwithstanding.

The first point of Mr. Webster's argument is, that Texas and all Texan territory are inevitably pledged to slavery by the terms of the Annexation Resolutions, which, being in the nature of a contract, cannot be broken without a breach of national faith. These allow Texas to be carved into, at least, five States, to be slave or free States, as each shall choose.

To this argument we answer, — The annexation of Texas was, both in form and substance, confessedly, a gross breach of the Constitution. The Government has no power to unite the Union to foreign States. But if this can be done, it must be done by treaty, which requires a vote of two-thirds of the Senate to ratify it. Texas was annexed by Resolutions of both branches, and by small majorities. By these, the *form* of a contract was given to it, the more strongly to engage the national faith, and prevent what was, in reality, merely a law, from being, as it might otherwise have been, repealed by a subsequent one; and Texas, brought in by one Congress, put out by its successor.

We contend that the fact of Texan annexation is fairly divisible into two parts; 1st, the annexation of a foreign State; 2d, certain agreements as to its being, on a future occasion, divided into five States.

The consent of Congress is necessary to the formation of new States within the limits of an old one. This consent is usually given, upon deliberation, at the time of such contemplated division. Here was an attempt to give this consent beforehand, and thus bind the action of all future Congresses; not leaving this great boon to the South, of five Texan slave States, with ten Senators, to the chance of defeat from the whirligig of time, and the growth of anti-slavery sentiment. The whole thing, from beginning to end, in form and substance, was a trick, a gross breach of the Constitution. Now, what is to give it *validity*? In the case of the acquisition of Louisiana, which was made according to the *forms* of the Constitution, though in violation, as many thought, and Jefferson, then President, allowed, of its real intention and essence, it has been generally held that the unconstitutional act became valid solely by the acquiescence of the whole people. See Adams's Texas speech, p. 86. Address of the Faneuil Hall Texas Convention, *dictated (this part) by Mr. Webster*. Louisiana was annexed by treaty, which is, of course, a contract even more strictly than the Texas Resolutions.

In these last, therefore, where the Constitution has been violated both in form and substance, it is still more plain that nothing but the acquiescence of the nation can make them valid. How is it to be discovered whether the people acquiesce or not? By their actions; and LET IT BE ALWAYS REMEMBERED THAT WE, THE INJURED MINORITY, HAVE A RIGHT TO CLAIM THAT OUR ENFORCED SUBMISSION SHALL NOT BE CONSTRUED AS ACQUIESCENCE ONE JOT OR IOTA BEYOND THAT PORTION OF THE WICKED CONTRACT TO WHICH WE HAVE BEEN COMPELLED TO SUCCUMB. Texas is in, her Senators are seated in the Capitol, her ports are covered by our flag, her votes sport with interests of New England. In so much New England has acquiesced, so far she is in honor bound. *Pro tanto*, as the lawyers say of a will or a deed, or an agreement, half good and half void, *pro tanto* (for *such part*, for *so much*,) the contract has been made valid by acquiescence. But the friends of Texas attempted, in their fraudulent contract, to secure to her and themselves certain other privileges — to wit, cutting her up, and getting ten slave votes in the Senate. She has taken the first step, that is, entered the nation — we have acquiesced — so much is hers. Let her try the second step, erect a new State within her limits, apply for admission; and see whether we will acquiesce in that, too. We claim that the Anti-annexationists have a right to try that question; to that no national honor is pledged. The question is open. When pliant Websters and traitor Winthrops again betray their constituents, *acquiesce* in this part of the bargain, and escape cashiering, then, and not till then, will that part have gained validity.

Suppose Congress, by joint resolution, should annex Cuba, and insert in the bargain a clause that on every question of a treaty, the Cuban Senators' votes should count double the vote of any New England Senator. Suppose, in pursuance of these resolutions, Cuba takes her seat in Congress. So far the traitorous bargain is made valid. After a year or so, the question of ratifying a treaty comes before the Senate — is New England

debarred by honor, or aught else, from resisting the other part of the fraud; and if she can get enough to vote with her, showing the South, Cuba and the world, that so far the trick has failed, and has not been made valid by acquiescence? The unconstitutionality of Texan annexation is cured by submission. Well, can we submit to that which has never taken place? When Texas tries to divide herself into five States, and asks admission, then shall we be able to say whether the nation, represented by its Congress, acquiesces in that part of the bargain. But, an objector says, then Texas and her friends cannot tell, for a long time, what her rights in this respect are. True, and that is the misfortune of those who venture their fate on such questionable proceedings as need the acquiescence of others in order to be of any binding efficacy. Certainly, if the trampers on the Constitution have to wait long before they know whether they have succeeded in their fraud, it is no fault of ours.

Again, the objector may urge, a bargain is a bargain — it fails entirely, or stands in all its parts. True; that is the case when each party understands and *freely assents* to it. But when one knocks the other down, and infers his assent from his silence and his conduct, the injured party has a right to claim that his silence and submission shall not be construed into an assent one jot further than it must *inevitably* be so interpreted: and if, when he gets his mouth open, any thing yet remains to be assented to, against that he may with honor protest, and resist it to the utmost of his power. If this be not sound, constitutional, and honorable doctrine, then a temporary majority in Congress may, by adroitly tacking to some not unpopular measure a list of future agreements, claim from the acquiescence to, and hence the constitutionality of, the first — the acquiescence to and constitutionality of the whole, and debar all honorable actors under the Constitution from all future resistance when the cases occur.

A man enters your house, knocks you down, takes your watch, and makes you promise to give him a hundred dollars the next

morning. The morning comes, he presents himself, and claims the performance of your promise. Are you bound in honor to fulfil it? The friends of Texas, in utter defiance of our constitutional rights, force her upon us, and *promise for us*, that when she wants other favors, we will tender them. When the time comes, we will see how far we are inclined to acquiesce and honor their bills.

It appears to us that the fact of Texan annexation may thus fairly be divided; and as in favor of the *Constitution, Right and Liberty*, we are justified in going to extreme limits, and to claim that if the 'scale do turn but in the estimation of a hair,' on our side, the verdict shall be ours; and as, Mr. Webster himself being judge, at Springfield, 'we are to use the first and last and every occasion which offers to oppose the extension of the slave power,' we claim that he wield over Texas also 'his own thunder,' the Wilmot Proviso.

Pompously protesting as the Whigs, with Webster at their head, did, that the whole of Texas annexation was unconstitutional, no one of them ever acted as if he believed it. The true course would have been, when Texan Senators and Representatives appeared at Washington, to dispute their right to take their seats. If voted down, protest, and warn Texas and the world that each future step towards ratifying or carrying out the iniquitous bargain would be resisted, and that her friends would have to fight their way to the validity of their contracts over an acquiescence which would be refused and disputed at every step. This should have been done; men in earnest in their love of liberty would so have acted. But its omission works no harm to the people's right still to resist. The assent of the people is what is needed, not the assent of members of Congress. Members of Congress are not sent to Washington to give their assent to unconstitutional laws or treaties. When they do so, they go beyond their province; and though, if the people omit to rebuke or cashier them, such omission will be taken as proof of acquies-

cence in what they have done ; it can be rightly so interpreted only to the extent that such act of theirs *necessarily*, and inevitably, and unequivocally goes, and no further. Mr. Webster, in the Texas Address, claims even beyond this ; he says —

‘It is idle to say that the assent of the people of a State, in a great and fundamental question like this, is to be proved by, or inferred from, any vote of its Representatives in Congress. No member of Congress is sent there for that purpose, or clothed with any such authority.’

Let it be remembered, that assent to an unconstitutional proceeding is never to be *presumed* : it is to be *proved* : and the burden of proof rests on the offending, that is, in this case, the slave party. It is clear the great fact of Texan annexation admits of such a division as we have suggested. If it admits of division, then, *in behalf of liberty and the Constitution, the lovers of both are bound to make it*. In such a case, even a technical objection mounts to the dignity of an argument. While contending for such glorious rights as Liberty and Justice, we are to yield only inch by inch. In their behalf, we may honorably ‘cavil (with Hotspur) on the ninth part of a hair.’ To fight the battle of right against wrong within the girth of such a Constitution as ours is hard enough, especially when Slavery lays its plans and deals its blows wholly unshackled by any regard to constitutional restrictions ; and resistance, according to Mr. Webster, is to be made by men fettered and chained by a most conscientious awe for all its provisions. Such a struggle hardly deserves the name of fight. It is simply *being baited*, like a bear muzzled and chained, while his assailants are free and armed. The Dutch dykes which usually keep out the ocean, whence once the inundation has passed over, only make the matter worse by restraining the waters’ retreat. Let us jealously guard and scrupulously insist on every iota that is fairly ours, since there is no use of contending at all on the basis of such a faint-hearted and wholesale surrender as Mr. Webster’s is ; according to whom,

Despotism is to be allowed to do every thing illegally, and Liberty nothing at all, *according to law!*

In conclusion : If the Texas annexation be a contract, or treaty, and our refusal to admit her five slave States be a breach of the contract, the remedy is in the hands of Texas. If we refuse to pay this, the rich price at which we bought the great favor and blessing of her joining us, the door is open ; she can retire, annul the contract, and all things then stand as before. No great harm is done, and she can have no good cause of complaint ; for Massachusetts was but speaking the voice of many free States when she placed on record her resolve, that she '*denies the validity of any compromise whatsoever, that may have been, or that hereafter may be, entered into by persons in the government of the Union, intended to preclude the future application of such a condition [as Wilmot's] by the people acting through their representatives in the Congress of the United States.*'

Let us look a moment at Mr. Webster's personal sincerity in this Texas matter. In the Texas Address, which he dictated, in 1845, Mr. Webster pronounced that act 'a plain violation of the Constitution, both in form and substance.' In 1848, at Marshfield, he said, 'I take it that *the most important event in our time, tending to the extension of slavery and its everlasting establishment on this continent, was the annexation of Texas in 1845.*' In 1847, at Springfield, he told us, 'We are to use the first, last, and every occasion which offers, to oppose the extension of the Slave Power.' On the 10th of August, 1848, *after* New Mexico and California were acquired, he said in the Senate :

'My opposition to the increase of slavery in this country, or to the increase of slave representation, is general and universal. It has no reference to the lines of *latitude* or points of the compass. I SHALL OPPOSE ALL SUCH EXTENSION AT ALL TIMES AND UNDER ALL CIRCUMSTANCES, EVEN AGAINST ALL INDUCEMENTS, AGAINST ALL SUPPOSED LIMITATION OF GREAT INTERESTS, AGAINST ALL COMBINATIONS, AGAINST ALL COMPROMISES.'

Here, then, was a crisis worthy, himself being judge, of his utmost exertion. *Dignus vindice nodus* — a knot which justified the interference of a god. It was 'unconstitutional'; it was 'most important'; it tended to make slavery 'everlasting'; he felt pledged to oppose it every where and by all means.

In view of all this, what and how much has Daniel Webster ever done to prevent the annexation? And when, by the unconstitutional action of a temporary majority, the deed was in some sense attempted or done, what did he do to prevent its acquiring the validity of law?

He made a few speeches, one in particular, at Niblo's Garden, New York; but when so mighty an injustice as this was in progress, was it enough to speak merely? When did he ever throw his dreaded gauntlet into the lists, and challenge every comer? When did he ever put gallantly at hazard his name, fame and influence, throw intrepidly into the scale of anti-Texas all that he had and all that he was? Did he rally the country? Did he try to animate and marshal even the Whig party? Did he counsel a temporary suspension of attending to minor points, and a concentration of the vigilance of the country on this, the Thermopylæ and Gibraltar of the North? Did he summon the States, whose relative weight, as such, was being wickedly and illegally taken from them, to protest and exert themselves? For the ten years that the Texas project was afoot, he, and with some truth we may say, he alone, was competent to any or all of these things. But none of them did he attempt. In a great measure, his lukewarmness and indifference were the one great obstacle in the way of any other Northern man's doing either of them.

True, he got others to call a Convention, in 1845, in Faneuil Hall, and when he had felt the pulse of Boston, and found the meeting unpopular, he never came within its walls, but ran away to New York. He dictated the constitutional part of that Convention's Address, and then forbade them to divulge the fact! How much in all this of 'high purpose and dauntless spirit'?

But in December, 1845, while he sat in the Senate, 'the final law doing the deed of annexation' was passed. He 'expressed his opinion,' he tells us, 'and recorded his vote in the negative, and there that vote stands'! And was that all? He stood and saw his loved temple of Liberty fired, 'expressed his opinion, and voted against it'! He saw the Constitution violated—the balance of the States utterly destroyed—saw a deed accomplished in attempting to portray the fatal consequence of which even his eloquence labors, and contented himself with a speech and a vote! Does Mr. Webster mean to say, that if a majority in the Senate voted Maine out of that body, or established an order of nobles, he should content himself with an 'opinion and vote'?

When a ruthless majority tramples on the form and substance of the Constitution, of course there must be some constitutional way of opposing them, of preventing their acts acquiring validity. As a profound constitutional lawyer, Mr. Webster could not but know these ways and means of constitutional opposition. In such a crisis, he was bound to find or to make one. Did he attempt it? Did he contest the right to their seats of men who appeared on that floor, under that 'plain violation of the Constitution'? He never opened his mouth! Did he, like the Scottish chieftain of old, send the burnt cross throughout New England, and reminding her of what he had dictated, in 1845—'It is idle to say that *the assent* of the people of a State, in a great and fundamental question like this, is to be proved by, or inferred from, any vote of its representatives in Congress'! conjure them to assemble in Convention, and swear never to ratify by acquiescence this act 'which tended to make slavery everlasting on the continent'? Nothing of the kind.

Did he, if he thought it too late to undertake this, place on solemn record at Washington, and add his influence to, the 'denial' of the Massachusetts Legislature of the validity 'of any compromise, intended to preclude the future application of such a condition' [as Wilmot's]?

Instead of this, he assures Mr. Bell, of Tennessee, (page 18,) that 'he knows no form of legislation which can strengthen' this 'plain violation of the Constitution' — 'no recognition that can add a tittle of weight to it'! 'Any additional recognition would weaken the force of it' — 'Government is pledged BY LAW and contract.' (p. 26.) And he surrenders, gives up the game, promises to quintuple the weight of Texas when asked. Is this what he calls using 'the first, last, and every occasion to resist the slave power'? — is this opposition 'at all times, under all circumstances, against all inducements, against ALL COMPROMISES'? Daniel Webster has *spoken* some and well against Texas. He has yet to do the first ACT to resist her annexation, or prevent the fatal effects of that measure. His present position either confesses that his boasted Constitution is all a sham, so weak that it leaves its friends no means of resisting the unconstitutional acts of a ruthless majority, or that his whole opposition to Texas, judged by his public acts, was a sham.

The next point in Mr. Webster's speech is, his entire surrender of the Wilmot Proviso, so far as any territory at present belonging to the country is concerned, on the ground of its being utterly unnecessary. As to California and New Mexico, he holds slavery to be excluded from those territories by the law of nature and physical geography — 'I will not take pains to re-affirm an ordinance of nature, or re-enact the will of God — would not wound even the irrational pride of the South.' pp. 23, 24. He confesses his repeated and most solemn pledges to the principle of the Proviso, and promises to stand by them when shown to be necessary.

This sudden, and for his official prospects most opportune, discovery of the uselessness of the Proviso, wears a most suspicious face. Mr. Webster doubtless remembers the pregnant commentary on Strafford's taking sides with Charles I.: — 'There are some changes of opinion so suspicious, that it needs a life of most unequivocal sincerity ever after to convince mankind that they were the results of honest conviction.'

But we beg the reader to remember that they were not simply *pledges* which Mr. Webster gave at Springfield and elsewhere to the Wilmot Proviso. He used his and the Whigs' professed attachment to this Proviso as an argument throughout the whole Presidential campaign to undervalue the Free Soil movement as unnecessary — to defeat Cass, — a man now shown to be as sound as himself, to all practicable purposes, on this question, — and to elect Taylor ; and unless he can convince the community that he has got new light on the character of ' nature and physical geography ' in New Mexico, &c., since September, 1847, and September, 1848, he stands before the world convicted out of his own mouth of having swindled those who trusted him out of their confidence and votes by false pretences.

Listen to him at Springfield, September, 1847 : —

' I am not a prophet, nor the son of a prophet ; but if I were to prophesy, the very last subject on which I would venture a prediction would be the course of the Northern Democracy on this subject of slavery extension. The prediction of the Almanac respecting the state of the weather would be just as reliable as any I could make of their probable proceedings. I hope there are some among them, and I am glad to believe there are many of them, who would go with us in support of the sentiment of the Wilmot Proviso ; but when we come to the real question, the vote, who and how many can we rely on to support us ?

' It was scouted out of the assemblage of the Democracy of Massachusetts at Worcester. Are we quite certain the Democratic members of Congress from Maine and New Hampshire will abandon the administration, and support the Proviso against the Slave Power ?'

Again at Marshfield, September, 1848 : —

' And now I venture to say, gentlemen, two things : the first well known to you, that Gen. Cass is in favor of what is called the Compromise Line ; and is of opinion that the Wilmot Proviso, or the Ordinance of 1787, which excludes slavery from territories, ought not to be applied to territories lying south of 36 deg. 30 min. He announced this before he was nominated, and if he had not announced it, he would have been thirty-six degrees thirty minutes farther off from being nominated. In

the next place, he will do all he can to establish that compromise line ; and lastly, which is a matter of opinion, in my conscientious belief, he will establish it.

‘I verily believe, that unless there is a renewed strength, an augmented strength of Whig votes in Congress, he will accomplish his purpose.’

‘Augmented strength of Whig votes’ ! How many Whig votes, his own and R. C. Winthrop’s, for instance, will it take to support the Proviso ? Like the Scotchman’s acres, the more you have of them, the poorer you will be.

We turn aside a moment to remark, that it was in this speech at Marshfield that Mr. Webster confessed, what the abolitionists have so often asserted —

‘We talk of the North. There has been no North. I think the North Star is at last discovered ; I think there *will be a North* : but up to the recent session of Congress, there has been no North. What I mean to say is, if I am to understand a geographical section of the country, in which there has been a strong, conscientious, and *united* opposition to slavery, no such North has existed.’

And if ‘no such North has existed,’ at whose door lies the fault ? We say plainly, at his ; ‘one blast upon whose bugle horn, any time these twenty years, had been worth a thousand men.’ His fiat could at any moment have called this new world into existence. His influence against it has been one of the greatest obstacles to its creation. When Wellington taunts Canning, that he did not earlier emancipate the Catholics — when Peel taunts Cobden, that the Corn laws were not sooner repealed — when Benedict Arnold taunts Washington, that the Colonies did not sooner triumph ; then, at their side, let Webster taunt the North for want of strength, energy and unanimity in its opposition to slavery ; he, whose boast has been, who has claimed it as a merit with his Southern friends, that he never *introduced* the question in any shape into Congress.

‘The North Star is at last discovered.’ Who told him so ?

For only by report could he know it, having had no hand in the grand discovery. Let him modestly betake himself to the company of Harry the Fifth's

‘Gentlemen in England, now a-bed
Who hold their manhood cheap when any speaks
Who fought with us upon’

that glorious forlorn hope, the North against the South, in the slave's cause.

But let us look at the statement itself, that the Wilmot Proviso is unnecessary for New Mexico and California.

1. This was the same argument so commonly used in 1844 to smooth the way for Texan annexation — ‘It never can be a slave country — naturally unfit for it,’ &c. &c. Upon this slaveholders and dough-faces were perpetually harping. We hear nothing of it, now Texas is safely in the Union. Here is one first reason for looking upon such statements as suspicious. It is hardly respectful to hope to catch the world with the *same kind of chaff*.

2. What does Mr. Webster *know* about this vast region, this undiscovered country from which so few travellers have returned? so immense, ‘a bird cannot fly over it in a week’! He ‘*supposes*’ there is no slave of the real American type (observe, when he wants the worst kind of slavery, he has to exemplify it as it exists among American Christians!) in California. He *supposes*! Ah, earnest men want more than a politician's ‘suppose’ for a surety against injustice and wrong. He ‘*understands*’ ‘that peonism, a *sort of* penal servitude, or rather, a *sort of voluntary sale of a man and his offspring*, for debt, exists in some part of California and New Mexico.’

Peonism! what a pretty name! ‘A lie may keep its throne a whole age longer, if it shall skulk behind the shield of some fair seeming name.’ Voluntary sale of a man's *offspring* for his debt! a trifle! not slavery, in the Websterian sense! The Roman jurists called it so, (see page 9,) but they were pagans.

We will not quarrel on a name ; but while fathers sell their children, for indefinite periods, use boys and girls as a basis of the currency, if Mr. Webster ' cannot take the pains to re-affirm the ordinance of Nature and re-enact the will of God,'* or even the

* ' This law, moreover, must have been enacted by the Creator since 1824, or its operation must have been previously suspended in deference to the Spanish government ; for under that government, negro slavery did exist in New Mexico and California, and it ceased in 1824, not by the law of " physical geography," but by a Mexican edict. Thousands of slaves are employed in the mines of Brazil, and Mr. Webster does not explain how his law forbids their employment in the mines of California. Mr. Webster ridicules the application of the proviso to Canada, in case of annexation. I neither see nor feel the point of his wit — slavery is already prohibited by the local law of Canada, but were it not, most certainly it ought to be prohibited as a condition of annexation. New York adjoins Canada, and Mr. Webster probably regards the prohibition of slavery in our recent constitution as the height of absurdity. In 1790, there were 21,000 slaves in New York, and on the 4th of July, 1827, about 10,000 slaves were emancipated, not by Mr. Webster's law, but by act of the Legislature, and the number would have been much greater, had not laws for their gradual emancipation been in operation since 1796. For a long period, slavery flourished in New York undisturbed by abolitionists. The absence of all anti-slavery agitation was as perfect as Mr. Webster's heart could desire. Stray negroes were caught with almost as much ease as stray pigs. Neither pulpit nor press ruffled the happy serenity of the slaveholders. But this blissful repose was suddenly broken in 1741, by rumors of an *intended* insurrection. Courts and executioners were immediately put into requisition, and in pursuance of judicial sentences, *thirteen slaves were burnt alive at the stake in the city of New York*, eighteen were hanged, and seventy-one were exported to foreign markets.'— JAY'S LETTER.

' Mr. Webster supported, as has been seen, the Oregon bill, with a prohibition of slavery, although no portion of it falls below forty-two degrees of north latitude. The territory acquired from Mexico, on the other hand, extends from that parallel south to the 32d — the latitude of Savannah. And it is deserving of particular notice, that these territories

ordinance of 1787, for such a country, we would be exceedingly obliged to him if he would come quietly home, and give place to some more active man, who has a microscopic eye for *such trifles*.

Seriously, we hold that in this confession, Mr. Webster surrenders his whole ground. Any 'servitude other than for crime of which the party has been duly convicted' was hateful to the men of 1787, and ought to be to those of 1850. It is the great Saxon race that goes forth to take possession of this noble inher-

had been already acquired when Mr. Webster pronounced himself against slavery "irrespective of lines and points of latitude," and "against any compromise of the question." When Mr. Webster voted for a prohibition of slavery in Oregon, and in the very territory he now refuses to restrict, he could not have studied, with his accustomed severity of application, "the law of the formation of the earth." Indeed, it may be fairly questioned whether, at that period, he had even commenced his researches in "physical geography."

'On the 28th of February, 1849, while the question of providing governments for the territories acquired from Mexico was under discussion, Mr. Dix said:—

"Slaves have been carried, and always will be carried, wherever they are not prohibited. Ohio, Indiana, Illinois, and Missouri, are in the same range of States. The fortieth parallel of latitude divides them all. The influence of soil and climate are much the same in each. From the first three, slavery has been excluded by the ordinance of 1787. The last has been overrun with slavery for want of a prohibition."

'In the same speech, he referred to a fact which fully sustains his position. After the adoption of the ordinance of 1787, prohibiting slavery in the territory northwest of the Ohio, the inhabitants of that portion of it which now constitutes the States of Indiana and Illinois, repeatedly petitioned Congress to suspend the operation of the ordinance, and allow them to introduce slaves from the States. It is hardly necessary to add, that these applications were steadily refused. In every instance, in the first settlement of a State, in which the question of slavery has been left to be determined by natural causes, human cupidity has proved too strong for Mr. Webster's law of physical geography.' — *New York Evening Post*.

itance. True to the glorious ORDINANCE, let us cut up, root and branch, all the vile institutions of other races, even if they be not *quite so* atrocious as our own pet sin at home.

But slavery is as impossible in New Mexico as in Canada, says Mr. Webster. Where's the proof? How little we know of those countries is evident from this very speech; for he tells us that the discovery of California gold mines was laughed at, only two years ago, as an idle tale; yet that coast had been visited and settled for many years. Who, when the liberty of a race hangs on a decision, will after that undertake to hazard any thing on the accuracy or sufficiency of our knowledge of the almost untrodden regions that lie south and east of California? What man vain and hard-hearted enough to risk a great question like this on the tales of a few travellers, who have now and then lost themselves in that region, so immense that, as Neal once said, all the nations of Europe might be hidden there from each other?

The Texan plot just achieved, which commenced with the same song, and resulted in such strength and extension of slavery, surely we may rightly suppose that the men who played that game are masters of their trade. What say they on this point? Calhoun and all the South cling with frantic desperation to the right of carrying their slaves into this Territory. The prestige of their late triumphant success goes before them. This is not the moment for Mr. Webster to boast either his statesmanship or his sagacity. He has just been outwitted. The last game of Texas has been played so well, we begin to respect at least the ability of the winners. *Ne sutor ultra crepidam*, which means here, *Let Mr. Webster confine himself to shooting snipes at Marshfield*. We want to know Calhoun's opinion on a slave question. It is prudent to watch the enemy's game. Mr. Calhoun, the arch-slaveholder, approves Mr. Webster's principle. He likes 'no artificial line;' he only wants slavery 'where it would naturally go.' That is enough for us. It is not only right but prudent to learn of the foe.

Slavery not possible in the California territory! Why, then, did the late California Convention, of which sixteen members were from the South, 'with entire unanimity,' as he tell us, insert a prohibition against it? They were *on the spot*, interested in the question, fully informed, and 16 out of 48 were from the South; yet with entire unanimity, well knowing the storm at home, they took the pains to 're-affirm the ordinance of Nature and re-enact the will of God.' One fact is worth a dozen systems. Among all the inquiries he made and books he read, (p. 26,) did Mr. Webster give its due weight to this *fact* in making up his opinion on the 'physical geography' of the neighboring region *to the South* of this new State?

But 'physical geography,' forsooth! Where has winter been grim enough to fright slavery away? In Russia? Where has labor been hard enough to tempt a man to work for himself, and make him hate to force another to work for him? In mines? How many mines of various kinds may yet be discovered in that country, to be wrought like the Indian and Brazilian, by slaves? * One might as well undertake 'to prophesy,' to use Mr. Webster's words at Springfield, what Whig principles will be next fall, as to say what will be the character of the country or society in New Mexico and California fifty years hence: and he who, with

* The Southern members of Congress, says the *N. Y. Evening Post*, understand this matter, and do not disguise their understanding of it. All they ask is the non-interference, for which Mr. Webster has pronounced himself. On the 23d of February, 1849, Mr. Foote, of Mississippi, said:

'No one, acquainted with the vast mineral resources of California and New Mexico, and who is aware of the peculiar adaptedness of slave-labor to the development of mineral treasures, can doubt for a moment, that were slaves introduced into California and New Mexico, for the purpose of being employed in the mining operations there in progress, and hereafter, perhaps, to be carried on to an extent conjectured by few, their labor would result in the acquisition of pecuniary profits not heretofore realized by the most successful cotton and sugar planters of the country.'

— APPENDIX TO CONG. GLOBE, p. 262.

the recent unexpected and most marvellous developments as to gold mines there, undertakes such a task, deserves to have the world laugh at him. But the man or the statesman who will risk the liberty of human beings on such cobweb speculations, deserves other rebuke than ridicule. His folly changes to crime.

Even without mines, 'tillable land,' or cotton plantations, slavery might still exist in the house, and in many forms of domestic employment, as it did in New England previous to 1780, and thus not only sacrifice the rights of some hundreds of thousands, which, however trifling they may appear to great statesmen, are worth taking pains for, even at the risk of 'wounding the irrational pride of slaveholders:' but further still, such a state of society would inevitably throw that whole region, as the same cause does now throw Maryland and Delaware, into the slave ranks, and thus help the scale of Freedom to kick the beam on every trial.

Mr. Webster says (page 8) in his revised speech, 'Slavery existed in the earliest periods of history in the Oriental nations.' What does he say on the 26th page? 'California and New Mexico are'—what? '*Asiatic* in their formation and scenery!' If they are so, what prevents slavery from existing there in the latest periods, as it did in the *Oriental* nations in the earliest?

'There was slavery among the Greeks,' says Mr. Webster. What was Greece? 'Iron-bound and sterile,' says Edward Everett; with an unproductive soil, importing her own corn. What is the description Mr. Webster gives of New Mexico? Such as Greece was, with her little mountain fastnesses, with 'vast ridges of mountains of enormous height, broken ridges and deep valleys.' Slavery existed in Greece, without much 'tillable land,' without cotton or tobacco. Why cannot it exist in our mountains at the present day?

Suppose there be no 'tillable lands,' no cotton plantations, is slavery therefore impossible? As we have before remarked,

thrice has it heretofore been supposed in this country that slavery was on the point of ceasing. First, it was believed, in 1789, that the prohibition of the trade in 1808 would abolish it; so Mr. Webster avows. Cotton came in, and that fond hope of our fathers proved illusive. Randolph thought, thirty years ago, the system was dying; and so the North deluded itself at the time of the Missouri Compromise. The internal slave trade, and the opening of virgin lands in the southwest, saved it. Of late, half dead, and fearing the future, Texas came in to give it a new lease of life and vigor. So many times, one thing after another, undreamed of by the wise ones, has chanced to save it. The sagacity of its friends has been keener than that of a Pope of Rome to seize the tide at the flood, and guide it on to safety. 'Outgeneralled' (it is Mr. Webster's alternative phrase) so often, shall we leave any thing to chance? What did Massachusetts tell her representatives in 1849? 'To enforce the prohibition, to "the end that slavery may be perpetually excluded therefrom, *beyond every chance and uncertainty.*"' 'Would you have a serpent sting you TWICE?' No! this time we'll 'take a bond of fate, and make assurance doubly sure.'

We look upon all Mr. Webster's pretended grounds for this sudden change of position as made up for the occasion.* He is evi-

* In 1819, Mr. Webster, as one of the Committee, submitted to a Boston meeting two resolutions, viz.:—'That the Congress of the United States possess the constitutional power, upon the admission of any new State created beyond the limits of the original territory of the United States, to make the prohibition of the further extension of slavery or involuntary servitude in such new State a condition of its admission; and that 'it is just and expedient that this power should be exercised by Congress upon the admission of ALL new States erected beyond the original limits of the United States.'—JAY'S LETTER.

'When Northern members of Congress voted for the Missouri Compromise, *against the known will of their constituents*, they were called

dently ill at ease, pleading a cause, not stating his real opinion. And it is strange that he should be ill at ease in such work, since, in our opinion, Mr. Webster has never been a statesman but once in his life, and that was in his conflict with Hayne. On all other occasions, he has been, and has seemed to be, even in the Senate, a mere advocate — now of a tariff, now of a bank, now of this great interest, now of that; and if he was not feed for his arguments, he ought to have been, and seemed to expect to be.

His total surrender of what he so vain-gloriously called, at Springfield, 'his thunder,' and 'the Whig ground,' is flat apostacy, nothing else. Somewhere, in this speech, he finds fault with us as impatient — 'too impatient to wait for the slow progress of moral causes in the improvement of mankind.' If from 1847 to 1850 be a fair specimen of his snail-like progress backward, impatience is no great crime in any spectator. In the streets, they link his name with Arnold and such humble traitors; but his crime is greater. Nothing, as has been well said by Charles Sumner, resembles it but the deliberate and calculating apostacy of Strafford. It is not, as in Arnold, the surrender of a fort, or the desertion of a single man. Here the proper, and by

"Dough Faces." I am afraid, fellow citizens, that the generation of "dough faces" will be as perpetual as the generation of men."— *Webster at Marshfield*, 1848.

There seem to be well grounded reasons for this fear! For, in answer to a question from Mr. Webster, Mr. Hale said, in the Senate, March 25, 1850:—

'The honorable Senator asks me why I did not vote to keep territory out? I call upon the Senate to mark what I am about to say. A motion was made by the Senator from Connecticut to insert in the treaty [of peace with Mexico] a provision keeping slavery out of the whole country that we should acquire, and upon that vote *my* name stands recorded in favor of the proposition, and upon that vote the name of the honorable Senator from Massachusetts does not appear at all, although it appears that he was in the Senate five minutes before and five minutes after the vote was taken.'

some younglings the expected, leader of the North, not only leaves the camp, but sets himself, like Strafford, to corrupt with his glozing sophistry the consciences and hoodwink the eyes of his countrymen, yields up the safety of one race, and uses the influence, too generously given him, to mould the other into supple and unconscious tools of a Despotism which he is all the while affecting to abhor. If Slavery sets her foot on the strand of the Pacific, let her thank our Strafford. Mirabeau was bought with gold, but Death took him before he could earn it; Strafford with a peerage, but Puritanism winnowed him and his plots on its inexorable threshing-floor, the scaffold. There is a spirit awake at the North as inexorable as Puritanism or Death; and now, as formerly, God gives to Liberty nothing but victories.

Let no one suppose, from our lengthened criticism of the Wilmot Proviso surrender, that we place any reliance on that Proviso as an efficient barrier against slavery. We recognize the utility, for various reasons, of contending for it; but above all, we wish to criticise this speech, not as Disunionists, but from Mr. Webster's standpoint.

We come next to Mr. Webster's admission of there being just grounds of Southern complaint against the North. And here is another of those suspicious and sudden changes of opinion. How busy the distinguished gentleman must have been the last twelvemonth! How much he has learned! It is just a year since he dared Mr. Butler to bring against Massachusetts any charge of transgression of the Constitution, and proclaimed his readiness to defend her. Since then, either his valor has oozed away, or he has got melancholy information of the truth of Mr. Butler's charges!

As long ago as when he defended the Constitution against Hayne, in 1830, he said, 'I am resolved not to submit, in silence, to accusations either against myself individually, or against the North, wholly unfounded and unjust; accusations which impute to us a disposition to evade the Constitutional Compact, and to

extend the power of the Government over the internal laws and domestic condition of the States.' In March, 1850—*Eheu quantum mutatus ab illo!*—he has nothing to say on the subject! except to accuse his constituents.

The free States have never passed a law which their best lawyers did not deem consistent with the Constitution; and the moment the Federal Court, most unexpectedly, in the Prigg case, announced a new view of the relations of the States to this question, they conformed their legislation exactly to its decision. Northern courts have, with a fidelity which we think cruel, carried out the edicts of the central Judiciary. Individuals, it is true, to their honor be it said, have (with here and there a few base exceptions, to which we now add the name of Daniel Webster) refused to 'bewray him that wandereth.' Yet against Courts and Legislatures, as well as private citizens, Mr. Webster endorses this wholesale slander, which lacks only truth to be a compliment.

The only point in this part of the speech that interests us, is the unutterable baseness of the slave hunt pledge. It is indeed true, as we have always argued, that all who swear to support the Constitution are bound not only to submit to the return of fugitive slaves, but to aid in it, if necessary. All honor to Mr. Webster's consistency on this point; and as he exhibits none on any other, and very little here, we are the more scrupulous to pay him his due credit, to the uttermost farthing. The difference of conduct of different men on this point of surrendering fugitive slaves has been quite remarkable. Some, with Adams and Channing, cut the Gordian knot, by frankly declaring that, though sworn to the Constitution, *this* they will not do; a course defensible neither in a court of law, nor one of morals. Others, with Giddings and his friends, evade the question, and, while admitting the general constitutional obligation, are very shy of telling us what they themselves would do in the matter. Thanks to Mr. Webster for his plain, unvarnished villany. Villain, gentle

reader, is none too harsh a name for a man who professes his readiness to return fugitive slaves. Our glorious old tongue was made for use, not to be laid up in dictionaries. It is rich indeed in its capacity for rebuking sin, but alas! the Saxon race far outdoes it in its capacity for sinning.

Mr. Webster professes his entire readiness to carry out this provision of the Constitution. He is no common man, whose pledge will, like himself, be forgotten in a day. His name is to float down the tide of time. The 'terrible memory' of the abolitionists will fix side by side with that name on the page of history this shameful confession. If God permits him to live, he will have ample time to appreciate, as the world advances, the foul blot he has ineffaceably made on the sun of his fame. It will be but a poor excuse for his biographer to urge that he squared his morality by the statute book of his time! As 'nice customs curt'sy to great kings,' so truly great men, far more truly, good ones, refuse to be 'confined within the weak list of a country's fashion.' Besides, he saw the truth clearly enough when he got beyond the smoke of his own prejudices, and was looking at Kossuth, and not at a negro. Then he could summon to his side against Russia, 'the threatened indignation of the whole civilized world.' 'Let not any one imagine,' he said, 'that mere force can subdue the general sentiment of mankind. Gentlemen, if the blood of Kossuth is taken by an absolute, unqualified, unjustifiable violation of national law, what will it appease — what will it pacify? It will mingle with the earth — it will mix with the waters of the ocean — the whole civilized world will snuff it in the air, and it will return with awful retribution on the heads of these violators of national law and justice.' Put the name of Douglass, Brown, or Ellen Crafts in place of Kossuth, and we commend this fine sentiment to Mr. Webster's mature consideration. We 'appeal from Philip drunk to Philip sober,' from Mr. Webster at Washington, with the gewgaws of office tinkling in his ears, to Mr. Webster at home, counting on

that honorable fame, the approbation of good men in time to come; or longing for that self-respect, so valued in one's last years, when, as Kent says, 'we begin to act more from a sense of duty, and less from any feeling of ambition.' Who can blame us for detesting that Moloch Constitution to which the fair fame of our statesman is sacrificed! Is not the very weakest-minded Charity obliged to confess that its favorite has loved Liberty and Justice less, and idolized the parchment more?

But there is something further to be urged on this point. Full half of the villany is volunteered, utterly gratuitous. Mr. Webster proclaims his readiness to support not only the Constitution, but the atrocious provisions of Mr. Mason's bill. This proposes to surrender any colored person claimed as a slave, without requiring any thing but *prima facie* evidence of his being so — admitting affidavits as well as oral testimony, thus wholly debarring the victim from any opportunity of cross-examining the witnesses against him — refuses jury trial, and allows any one of the forty thousand postmasters in the Union to authorize the transportation of an inhabitant of Massachusetts to New Orleans, to have it tried there, friendless, alone, and helpless as he will be, whether he was born in Massachusetts, or had escaped there! * All these objectionable features might be removed, and yet the Constitution faithfully observed. There is nothing in the Constitutional provision which forbids the regulating of the whole process of slave surrender by all the jealous forms of *habeas corpus*, *jury trial*, &c., which the experience of ages shows to be indispensable for the protection of freemen who may be mistaken for slaves; on the contrary, the Constitution, fairly interpreted,

* The present fugitive slave bill, that of 1792, is justly liable to all the objections urged against Mason's bill, except that it commits the execution of its provisions to persons of some standing and character, not to a mass of clerks and postmasters.

requires the observance of a trial by jury. Art. 8 of the Amendments says, 'In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury, &c.' Art. 9th continues, 'In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, &c.' When a fugitive slave is arrested, it is either a civil or a criminal case: it goes into one list or the other, and the Constitution, therefore, requires a jury trial. But if any one is hardy enough to deny that such a case is strictly either civil or criminal, still the spirit of the Constitution, as shown in the above extracts, would fairly claim a jury trial even in anomalous cases. Without the slightest pretext of legal or constitutional obligation, therefore, without any reason in common sense, Mr. Webster volunteers his support of all these thoughtless and cruel and dangerous regulations. Our fathers thought it high crime enough to put it into the Declaration of Independence, that George III. intended to transport the colonists to England for trial. To Hancock or Adams, England was next door, compared with the infinite and hopeless distance of New Orleans from Boston to any free colored man, whom this cruel and loose law has left to be mistakenly or maliciously carried there, to be melted into the indistinguishable mass of slaves, and have the question of his Massachusetts birth tried at some white claimant's leisure!

Where the owner finds lost or stolen property, *there* he is to prove his title. Such is the sound rule of the common law, and it ought to govern in these cases of fugitive slaves. Suppose the claimant, under Mason's bill, either through malice or carelessness, has taken the wrong person, taken a Massachusetts freeman: how shall the victim be righted? Why, it is said, by appealing to some court in New Orleans, when he arrives. But the colored people are generally poor. Suppose a colored man, never out of Boston in his life, is snatched away. How is he to get friends in New Orleans, where he never was before, to bring

his case before a tribunal? Months may pass ere that, and meanwhile the poor, friendless one is melting fast into the indistinguishable mass of slaves, and may be sold and passed on from hand to hand, till redress is impossible.

But if some humane person is found, and the case is at last in some Southern court, where every colored person is presumed to be a slave until he shows the contrary, — how then is the Boston boy to prove his Boston birth? We shall be told, let him send for his mother, father, brothers, uncles, playmates. Send? It costs money. Send for their depositions, then? Court street asks money to take them; the man is poor. But suppose this obstacle also is surmounted. His friends have come to him, or sent their depositions. The laws of the South *shut out all this testimony!* A colored man must, of course, prove his birth and residence by colored friends generally; but no colored man can give evidence, in a Southern court, in any case where a white man is party. He must get white persons to swear to his past life, birth, &c., or he must sink down a slave. In nine hundred and ninety-nine cases, therefore, out of a thousand, the Northern freeman, once mistakenly surrendered under Mason's bill, is lost for ever. And this is the bill which the Defender of the Constitution undertakes to support! He knew, or should have known, that in Maryland, Virginia, the Carolinas, Georgia, Missouri, Alabama, and probably in all the slave States, any person claiming that he is wrongfully held as a slave may have a *jury trial*. But the Massachusetts man mistakenly seized, in Boston, cannot have this old Saxon privilege! He must be surrendered whenever any one office-underling is satisfied, on paper evidence, that the slave claimant is right.

We mention these facts to show that Mr. Webster, when he surrenders one of his constituents to Mason's bill, surrenders him to slavery. As long ago as 1827, kidnapping was common in Pennsylvania. They had only to catch a man, get him over the line, and mingle him among the slaves, and he could not be found

again. It is probably still more common now along the border States. Mistakes too, where interest is on the side of successful error, must be common.

Mr. Underwood, of Kentucky, tells us, that the right of trial by jury is inconsistent with slavery. In the life of that glorious Baptist missionary, WILLIAM KNIBB, it is said, that on one occasion, he and his coadjutors came to an agreement with the planters of Jamaica, that Slavery and Christianity could not exist together ; and there they parted. The planters said, ' We will exterminate Christianity ; ' the missionaries rejoined, ' We will abolish slavery.' If the choice is to be made between jury trial and the convenience of slaveholders, which is to give way, the rights of freemen, or the convenience of slaveholders ?

If a horse be claimed from his owner at Marshfield, it is no insuperable objection to a jury trial, and the requiring of fair evidence of ownership on the part of a Southern claimant, that it will much delay the gentleman ! But let one of the chivalry claim a man, and the old barriers must down, lest he be compelled to tarry overlong, and be inconvenienced ! Does Mr. Webster remember his conclusive demonstration, years ago, that the simplest governments were the most despotic ? and his entreaty that our countrymen would be patient, and willing to give time and take trouble ; such was the only security for free institutions ! The colored men of the North, whose rights he is jeopardizing, whose children cannot play in the streets with such laws over their heads, beg of him to 'reck his own reed,' and be as tender of liberty now. In 1834, he said :—

'The spirit of liberty is, indeed, a bold and fearless spirit ; but it is also a sharp-sighted spirit ; it is a cautious, sagacious, discriminating, far-seeing intelligence ; it is jealous of encroachment, jealous of power, jealous of man. It demands checks, it seeks for guards, it insists on securities ; it entrenches itself behind strong defences, and fortifies, with all possible care, against the assaults of ambition and passion. It does not trust the amiable weakness of human nature, and therefore

it will not permit power to overstep its prescribed limits, though benevolence, good intent and patriotic purpose come along with it. Neither does it satisfy itself with *flashy and temporary resistance to illegal authority*. Far otherwise. It seeks for duration and permanence. It looks before and after; and, building on the experience of ages which are past, it labors diligently for the benefit of ages to come. This is the nature of constitutional liberty; and this is our liberty, if we will rightly understand and preserve it.'

If his vote is ever given to this law, — which, after all, will not be worth the paper it is written on, thanks to the abolitionists, — let him no longer be painted, as in Harding's full length, in the grand repose of those majestic proportions, but running, at the head of forty thousand constitutional hounds, after some hapless fugitive 'guilty of a skin *less* colored than his own,' and from his mouth let there issue his own words in the Senate — 'The Constitution is *beneficent*, it has trodden down no man's liberty' — 'Have I not taken an oath to it on the Holy Evangelists of Almighty God!' — 'I put it to all *conscientious* men, all sober and sound minds, as a question of morals and of *conscience*, what right they have, in their legislative capacity, *or any other*, to *embarrass*!! the free exercise of the rights secured by the Constitution to persons whose slaves escape from them? None at all; none at all; neither in *the forum of conscience* nor before the Constitution are they justified, in my opinion! I am sure, if they consider their constitutional obligations, they will fulfil them — *with alacrity!*'

If in the lowest deep, there be a lower deep for profligate statesmen, let all former apostates stand aside and leave it vacant. 'Hell from beneath is moved for thee, to meet thee at thy coming. All the kings of the earth lie in glory, every one in his own house; but thou art cast out of thy grave as an abominable branch, thou shalt not be joined with them in burial, because thou hast destroyed thy land, and slain thy people.'

Of Mr. Webster's most non-committal (and unspoken) refer-

ence to the imprisonment of Northern seamen in Southern ports, what need that we say any thing? Not able, truthfully, to show one instance in which any Northern Legislature has refused any part of its duty in regard to fugitive slaves — and Clay himself having just confessed that no slaveholder had brought his case before a Northern court without obtaining just judgment and ample damages — he still includes Legislators in his general censure, and on the North's want of duty in refusing to surrender slaves, he declaims majestically, all fire and energy, direct and unmisakeable! Mark the difference when he speaks of the South, whose private citizens, courts and Legislatures are all alike implicated in notorious, long continued, and often wanton, violations of the Constitution. Does he arraign Legislatures? No! Does he allude to laws? Never! Now, there stand upon their statute books, laws which they know are unconstitutional, making our seamen liable to be seized and sold. These statutes they confess to be unconstitutional, because they forbid their being passed upon and tried by any Federal Court. Side by side with those statutes, Louisiana and South Carolina have enacted that if any person, from Massachusetts or elsewhere, enters those States to make up a case, and try the constitutionality of these laws in the Supreme Court, he shall be punished by imprisonment in the common jail. Mr. Webster knew all this; yet from nothing he says would the reader get any just idea of this whole range of Southern legislation, so confessedly unconstitutional, and which dares not meet the faces of the Judges of the Supreme Court of the United States. The difference of manner and language in the two cases betrays the purpose of the speaker. When he is finding fault with the North, he gives frankly, 'my opinion,' 'I think,' 'wherever I go and whenever I speak,' and 'I say the South has been injured.' But of these many and cruel laws, he ventures no *personal* opinion, steps out of the responsibility, and only ventures, '*the North thinks* such imprisonments unconstitutional, &c.' Southern

men defying the Constitution, killing freemen in unhealthy jails or chaining them in slave gangs, is '*irritating, inconvenient!* seems impracticable and oppressive!' Of Mr. Hoar's 'being kicked back,' in Curran's phrase, 'into the mass of his fellow-slaves,' he only finds time to print, not say, that 'the effort was well intended.' Not a word in defence of Massachusetts when injured and insulted, *unconstitutionally*. All his rhetoric having been spent in comforting Carolina for the Constitution's not having done for her all she thought it should, he has only a few tame adjectives left for the acknowledged and palpably unconstitutional wrongs of his own constituents! Verily, this is oratory 'in a monstrous little voice,' 'roaring as gently as any sucking dove.'*

We care little for Mr. Webster's notion about State instructions. But we may as well remark, in passing, that here is another of those suspicious changes of opinion, since very different was the tone in which he spoke of 'one set of public servants giving instructions to another,' &c., in the well-known speech wherein he criticised President Jackson's protest against a resolve of the Senate. Then he could see the 'Senate as representing the States, and authorized to lift its voice against any thing derogatory to the rights of the States.' Then he could sneer at

* In reality, Mr. Webster did not utter even a syllable of this. His speech was published in the *Intelligencer and Union* without a line about the Northern seamen. But when he was about to send it North, he puts in six or eight lines on the subject. He says, 'This is not only irritating, (!) but exceedingly inconvenient in practice, (!) and *seems* altogether impracticable and oppressive.' (!!) The speech came to the people of the North in this *seeming* way; and a great many of the Massachusetts newspapers spoke out against its poltroonery, and only one or two city papers supported him. What does he say in his second 'authorized edition'? 'Seems, madam? nay, *it is!*' Now it no longer is inconvenient! or *seems* irritating, but 'IS EXCEEDINGLY unjustifiable and oppressive.' Behold how wholesome is public rebuke!

one, in that Congress, seen to be instructed by his constituents, and 'refusing to obey, because he did not find on the list the majority of the party that elected him.' Then he could appreciate and describe the character of a Representative on this wise, — (we ask Mr. G. S. Hillard's attention) —

'We have been taught to regard a representative of the people as a sentinel on the watch-tower of liberty. Is he to be blind, though visible danger approaches? Is he to be deaf, though sounds of peril fill the air? Is he to be dumb, while a thousand duties impel him to raise the cry of alarm? Is he not, rather, to catch the lowest whisper which breathes intention or purpose of encroachment on the public liberties, and to give his voice breath and utterance at the first appearance of danger? Is not his eye to traverse the whole horizon, with the keen and eager vision of an unhooded hawk, detecting, through all its disguises, every enemy advancing, in any form, towards the citadel which he guards? Sir, this watchfulness for public liberty, this duty of foreseeing danger, and proclaiming it, this promptitude and boldness in resisting attacks on the Constitution from any quarter, this defence of established landmarks, this fearless resistance of whatever would transcend or remove them, all belong to the representative character, are interwoven with its very nature, and of which it cannot be deprived without converting an active, intelligent and faithful agent of the people, into an unresisting and passive instrument of power. A representative body which gives up these rights and duties, gives itself up. It has broken the tie between itself and its constituents, and henceforth is fit only to be regarded as an inert, self-sacrificed mass, from which all appropriate principle of vitality has departed for ever.' *

* 'He now pours contempt on legislative instructions, but on March 1st, 1847, he presented to the Senate a series of resolutions in favor of the prohibition of slavery, passed by the Legislature of Massachusetts, and sent to her Senators and Representatives, and responded to the declaration of the State in the following emphatic terms:—

“I THINK her for it, and am PROUD of her, for she has denounced the whole object for which our armies are now traversing the mountains of Mexico. * * * * *

“If any thing is certain, it is that the sentiment of the whole North is

Abolition Societies Mr. Webster does 'not think useful!' He 'thinks their operations the last twenty years have produced nothing good or valuable.' That they have produced this speech, does not, perhaps, in the opinion of many, disprove this assertion. Yet we think it does; this speech will do more to open the eyes of the North to the rottenness of politicians, than almost any thing else could have done. We may, however, remind Mr. Webster that Congress has done nothing, this session, but just the work these despised Abolition Societies have set it; that they have so wrought as to make the slave question, like Aaron's rod, swallow up all others on the political arena, — have made his, and Clay's, and Benton's political life seem mere boy's play, compared with the struggle for life and death, which they are preparing to force on all sections of the nation; that, prompted by the example, and sustained by the labors of such Societies, and gilded with their approbation, the last ten heroic years of Adams's life, as a mere Representative, not only eclipsed all the glory of his Diplomatic services, but blotting from popular recollection an odium such as no other public man ever encountered, changing gall into sweetness, sent him to his grave covered with love, laments, and blessings, which any public man but Washington might envy.

Nothing can exceed the tameness and pusillanimity with which Mr. Webster passes over the great and most just ground of

utterly opposed to the acquisition of territory to be formed into *new slaveholding States.*" — *Cong. Globe*, p. 555.

'The resolutions, which drew from Mr. Webster this public tribute of thanks were, that the extension of slavery should be UNIFORMLY and EARNESTLY OPPOSED by all GOOD and PATRIOTIC men throughout the Union; and a solemn protest against the acquisition of any additional territory, WITHOUT AN EXPRESS PROVISION by Congress that there SHALL BE neither SLAVERY NOR INVOLUNTARY SERVITUDE in such TERRITORY, otherwise than for the punishment of crime.' — *N. Y. Evening Post*.

Northern complaint, the unconstitutional acquisition of so much Southern territory since 1803, by which the whole character and destiny of this Union has been changed.* He has again and again recognized the inestimable importance of this, from the time he drew the Boston Missouri Memorial in 1819, to when he dictated part of the Boston Texas Address in 1845; yet now he quite sinks it out of sight; slurs it, though he calls it the 'first and gravest,' despatches it in twenty lines, and afterwards states that all these grievances can be 'redressed.' We should like much to know how he proposes to redress the downhill and disgraceful history of the last twenty years, whenever this question of slavery has touched on national politics? Can he blot out the sad record of Clay's mischievous compromises, or our slave-begging diplomacy in almost every court of Europe? Can he blot out his own coward silence on the floor of the Senate? Can he even turn aside the dark shadow that is stealing over the mirror of the Republic, if slavery ever gets footing in the boundless West?

The last point we shall touch on is the proposal to colonize the free blacks. And here again is another of those sudden and suspicious changes of sentiment. Common report long ago attributed to Mr. Webster the sagacity of having seen through the humbug of the Colonization scheme, and of having quietly denounced it, as only a trick of the slaveholders to render their

* The extent of the Louisiana territory and of Florida are well known. Of that lately acquired, the *N. Y. Evening Post* says: — 'The territories acquired from Mexico contain between five and six hundred thousand square miles: California has included less than two hundred thousand in her designation of boundaries; so that nearly three hundred and fifty thousand (equal to four-fifths of the entire area of the non-slaveholding States) remain for the application of Mr. Webster's newly discovered law of physical geography.'

remaining property more quiet, valuable and secure.* We are not aware that he has ever since been seen on its platform, either in Washington or elsewhere. But we all live and learn, and the last twelvemonth has been harvest time to our statesman.

'If Virginia and the South see fit to adopt *any proposition* to relieve themselves from the free people of color among them, or such as may be made free, they have my free consent that the Government shall pay them any sum of money out of the proceeds [of the public lands] which may be adequate to the purpose.'

To our fathers' opinion of transporting men across the ocean *for trial*, we have alluded. Mr. Webster proposes to transport *for life* men as much entitled as he to all the privileges of American citizens, and whose toil has done as much, in proportion, as his, to increase the wealth of their country, and whose honest lives have done as much, without any reference to *proportion*, to preserve its virtue, promote its welfare, and increase its fame. 'For if (page 33) it were possible for the debates in Congress to vitiate the principles of the people as much [as its temptations have corrupted its members,] I should cry out, God save the republic.' There is no fear, though, of any effect upon the public from this part of the speech. Before the North so far forgets even political economy, not to say justice and Christianity, as to vote money to colonize Southern working-men, it will be easy to carry a law in the Massachusetts Legislature 'to relieve ourselves' of wanderers from New Hampshire, 'at any expense adequate to the purpose.'

* A correspondent of the *Congregationalist*, July 6, 1819, says, Mr. Webster was appointed on a committee, at a public meeting in Boston, in 1822, to draft a Constitution for the Massachusetts State Colonization Society. After considerable discussion in the committee, Mr. Webster rose and said:—

'I must leave. I understand the whole project. IT IS A SCHEME OF THE SLAVEHOLDERS TO GET RID OF THEIR FREE NEGROES. I WILL HAVE NOTHING TO DO WITH IT.'

In relation to Mr. Webster's melancholy picture of the terrible effects of 'secession,' we take the liberty of telling him that there are sadder sights than that of 'spheres and heavenly bodies jostling against each other in the realms of space,' 'of a great Constitution melting away under the influence of a vernal sun,' or even of 'a two-fold war.' Such sights are twenty millions of people, professedly Christian and republican, of whom their oldest and ablest statesman leaves it as his last word, that '*slaveholding, slave-breeding and slave-trading, form the whole foundation of the policy of their government:*' a war like that against Mexico to extend the accursed system: a speech like his own, volunteering to head the forty thousand underlings of such a government in their hunting of fugitive slaves: three millions of unhappy men and women compelled to be vile, to live in promiscuous concubinage, reduced to the level of brutes. 'I looked, and there was none to help,' for those mighty intellects which God had given as leaders of their age, were either cajoled by the promises or awed by the threats of wicked men, prostituting their gifts 'to make the worse appear the better reason;' grinding voluntarily and gladly in the mills of the Philistines. Compared with such scenes, mere common wars are brave and noble games. What can be a sadder sight, or a greater evil, than beings whom God intended to be great, becoming panders to the lowest vices of others? Nothing, except a nation contented to be led by such. Welcome any storm that is *necessary* to destroy the seeds of such a pestilence!

He says no word of the Constitutionality of secession. We introduce the point merely to assure him that Yankee enterprise means to keep abreast of this stirring world, now that precedents of Constitutional Law are manufacturing. We intend to try our hands at the article. The Louisiana treaty, acquiesced in by the people, settled that we may acquire territory. The Florida treaty settled that we may relinquish as well as acquire territory. The Texas treaty, acquiesced in to some extent, proves we may

acquire States. When the Massachusetts treaty is made, it will show that the Union can *relinquish States also*. And surely it will be a poor return for all our courtesy and acquiescence since 1803, if the lordly Carolinas will not acquiesce in this pet project of ours; which indeed has this advantage, that her great men, unlike our Websters and Winthrops, will not be forced to eat their own words, and lick the dust, when they support it in their Congress.

While on this point, Mr. Webster asks —

‘What is to remain American?’ In our opinion, that portion of the Confederacy which clings to the great American idea of ‘taking the pains to re-enact,’ ay, and practise, so plain a law of God as that ‘ALL MEN ARE CREATED EQUAL.’

‘What am I [Daniel Webster] to be?’ That will depend upon where you stand; whether on Plymouth rock, rebuking, at no great cost of moral courage, the slave trade; — ‘beneath the October sun of the Old Dominion,’ pandering to her vices in order to elect Mr. Harrison to the Presidency; — or on the Senate floor, ‘liberally, kindly, or very weakly out-generalled’ on the slave question, in all its shapes.

‘How is each of the thirty States to defend itself?’ Massachusetts has none of that population which Mr. Arnold of Tennessee describes ‘as ready to rise and strike for freedom at the first tap of the drum’ — none of that class, of whom Madison said, ‘that every addition to its number only tends to weaken a State, and render it less capable of self-defence, and which is a means rather of inviting attack than repelling invasion.’ As for foreign foes, she points to Lexington and Bunker Hill, where she fought alone, and to all the other battle-fields of the Revolution, on each of which stood more Massachusetts men than could be found there from all the then six Southern States together.

‘Shall we dismember this great country, and astonish Europe with an act of folly such as Europe for two centuries has never beheld in any government?’ Is it not pertinent to reply, why

not as well do so, as to disgust Europe, and outrage the moral sense of the world, and retard the hopes of the race, by the sight of a republic, 'of which,' as Adams said, 'the preservation, propagation and perpetuation of slavery is the vital and animating spirit?'—by the sight of a slave voyage, like our own to Mexico, to extend and re-establish slavery, a crime, 'such as Europe for two centuries has never beheld in any government'?

'What is to become of the army and navy?' We shall at least need neither to put down slave insurrections, or conquer new fields for slaveholders.

'What is to become of the public lands?' They will be *free*, beyond the possibility of even Websters and Winthrops to trick them into being slave States.

'Where is the line to be drawn?' Just there, where men are so much ashamed of their sins as to be unwilling to stand before the world responsible for setting up a republic on the basis of slavery;—just there, where men, unlike Mr. Webster, love Slavery less, and Union with Massachusetts, Ohio and Liberty more.

'Where is the flag of the republic to remain? Where is the eagle still to tower?' What fustian is all this! 'Liberty first, and Union afterwards,' said Patrick Henry. '*Ubi Libertas, ibi patria*,' ('where freedom dwells, there is my country,') was Franklin's motto. 'If this breach in the Constitution cannot be healed, LET DISCORD REIGN FOR EVER,' said England's Demosthenes, Lord Chatham. Beside these, how poor and tame seem the idle questions of our Demosthenes!

In conclusion, Mr. Webster indulges in a poetic flight as to the Union:—'It is a great, popular, constitutional Government, guarded by law and by judicature, and defended by the whole affections of the people. No monarchical throne presses these States together; no iron chain of despotic power encircles them; they live and stand upon a Government popular in its form, representative in its character [*twenty-five of its Representatives*

represent slaves, who never lifted hand to choose them:— of half the Senate he addressed, the same night he said:— three million out of twenty excluded from all voice in the laws by which they are bought and sold!— founded upon principles of equality, [three million slaves at the South, and the North has never, he himself says, exercised its rightful majority five times in the whole history of the Government— very equal!] and calculated, we hope, to last for ever. In all its history, it has been beneficent; [witness, all Indians, Negroes and Mexicans!]— it has trodden down no man's liberty;—

['How full of weight— how clear, how bold—
The big round lie, with manly courage told! ']

it has crushed no State. Its daily respiration is liberty and patriotism; ['the PROPAGATION, PRESERVATION AND PERPETUATION of slavery is the vital and animating spirit of the National Government'— J. Q. ADAMS]— its yet youthful veins are full of enterprise, courage, and honorable love of glory and renown' [witness the Mexican war!]

And this, then, is the end of the political career of DANIEL WEBSTER! Thirty years ago, he spoke brave words at the Rock about that 'work of hell,' the slave trade, and eulogized the 'religious character of our origin'— hoping that he might leave to those who should come after him, 'some proof of his attachment to the cause of good government, and of civil and religious liberty; some proof of a sincere and ardent desire to promote every thing which could enlarge the understandings and improve the hearts of men';— and this is the result! Verily,

• His promises were, as he then was, mighty;
But his performance, as he is now, nothing.'

